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April 2, 2009

VIA ELECTRONIC FILING

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

RE: Carolyn. L. Cook, Complainant v. Alpine Utilities, Inc.
Happy Rabbit, LP on behalf of Windridge Townhomes v. Alpine Utilities, Inc.
DOCKET NO. 2008-360-S

Dear Mr. Terreni:

The South Carolina Office of Regulatory Staff ("ORS") is in receipt of the Commission's March 27th request for information concerning the complaint filed on behalf of Mrs. Cook on March 25, 2009.

The complaint filed by Mrs. Cook seeks the return of an "overcharge" by Alpine Utilities, Inc. ("Alpine") from October 6, 2003 to December 28, 2005, on the basis that S.C. Code Ann. §27-33-50 requires the utility to establish separate individual utility accounts with each of the tenants.

The facts giving rise to Mrs. Cook's complaint, the parties involved, and the relief sought are part of the complaint currently pending before the Commission in Docket No. 2008-360-S. For this reason, ORS is copying all the parties to the above-referenced docket.

This dispute involves an interpretation of a landlord/tenant statute, and pursuant to S. C. Code Ann. § 27-33-40 the matter is properly brought before the Circuit Court. Indeed, Happy Rabbit has a complaint filed and pending with the Circuit Court. (*See*, Case No. 2008-CP-40-06619). Having the same disputed matter in two forums does not promote judicial economy. Therefore, ORS recommends that the Commission dismiss both complaints without prejudice allowing the complainants to move forward with a hearing and decision in Circuit Court.

Whether the utility has violated a landlord/tenant statute is a matter for Circuit Court and is not a violation of the Commission's rules and regulations.

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While the complainants allege that they have been overcharged and seek relief under 26 S. C. Code Ann. Regs. 103.533 (3), no allegation has been made that the rates charged were not the tariffed rates approved by the Commission.

Very truly yours,



Nanette S. Edwards, Esquire

cc: Richard L. Whitt, Esquire
Jefferson D. Griffith, III, Esquire
John M.S. Hoeffler, Esquire
Benjamin P. Mustian, Esquire